

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,)
) File No. 19-CR-141
) (PJS/SER)
Plaintiff,)
)
v.) Minneapolis, Minnesota
) May 19, 2020
Cornett Golden,) 11:30 a.m.
)
Defendant.)

BEFORE THE HONORABLE PATRICK J. SCHILTZ
UNITED STATES DISTRICT COURT JUDGE
(VIDEOCONFERENCE OF MOTION HEARING)

APPEARANCES

For the Plaintiff: **U.S. ATTORNEY'S OFFICE**
JOSEPH THOMPSON, AUSA
JORDAN SING, AUSA
300 S. 4th St., #600
Minneapolis, Minnesota 55415

For the Defendant: **JONES DAY**
KRISTIN ZINSMaster, ESQ.
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Court Reporter: **DEBRA K. BEAUVAIS, RPR-CRR**
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transcript produced by computer.

P R O C E E D I N G S

IN OPEN COURT

THE LAW CLERK: United States District Court for the District of Minnesota is now in session, the Honorable Patrick J. Schiltz presiding.

THE COURT: This is the case of the United States v. Cornett Golden. The case is Criminal No. 19-0141. If I could have the attorneys who are involved each make their appearances, please, beginning with the prosecutor.

MR. THOMPSON: Thank you, Your Honor. Good morning. It's Joe Thompson and Jordan Sing on behalf of the United States.

MR. SING: Good morning, Your Honor.

THE COURT: Good morning.

MS. ZINSMaster: Good morning, Your Honor. Kristin Zinsmaster appearing on behalf of Mr. Golden, who is present via video from the Sherburne County Jail.

THE COURT: And good morning to you.

Mr. Golden, good morning. Are you able to hear me?

THE DEFENDANT: Yes, sir, Your Honor.

THE COURT: All right. Are you able to see me as well?

THE DEFENDANT: Yes, sir.

THE COURT: All right. And were you able to hear

1 the prosecutors and Ms. Zinsmaster?

2 THE DEFENDANT: Yes. Yes, sir.

3 THE COURT: All right. It's very important that
4 you be able to hear and see everything that happens today.
5 So if you have any trouble with the technology, let me know.
6 If your audio cuts out, wave your hand or if your video cuts
7 out, let me know. Okay?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. And if you want to talk
10 privately with Ms. Zinsmaster at any time today, that's
11 fine. You're welcome to do that. Just tell me you'd like
12 to talk to her and they have a way that you can talk to her
13 privately without the rest of us hearing. Okay?

14 THE DEFENDANT: Yes, sir, Your Honor.

15 THE COURT: All right. And before we go any
16 further, Mr. Golden, I just want to make sure that you
17 understand that you don't have to participate in this
18 hearing by video. That's entirely up to you. You have the
19 right to ask that we have this hearing at the courthouse
20 when you can be physically present or you can give us
21 permission to do this hearing by video.

22 Do you understand that you have that choice?

23 THE DEFENDANT: Yes, sir, Your Honor.

24 THE COURT: All right. And have you talked to
25 Ms. Zinsmaster about that?

1 THE DEFENDANT: Yes. Yes, sir, Your Honor.

2 THE COURT: All right. And are you willing to let
3 us proceed by video in this case?

4 THE DEFENDANT: Yes, sir, Your Honor.

5 THE COURT: Okay. We will go ahead then. Let me
6 just make a record of why I asked for this hearing.

7 Mr. Golden was indicted on May 14th of 2019 on two
8 counts of bank robbery. Motions practice ensued, and that
9 motions practice ended October 31st of 2019 when I denied
10 various suppression motions. I set the trial for November
11 18th, 2019.

12 On November 8th, ten days before trial, I received
13 a motion filed by Mr. Golden's attorneys. They told me that
14 he had directed them to file the motion and asked to
15 withdraw as his counsel. I held a hearing on that motion on
16 November 12th. Mr. Golden spoke at that hearing. He also
17 submitted a letter to me at that hearing. In his letter and
18 in his comments to me he expressed dissatisfaction of a
19 number of things, including with the federal defender who he
20 said had a personal vendetta against him and he suspected
21 her of conspiring with the prosecutor and his own attorneys
22 to harm him. At the end of the hearing on November 12th, I
23 denied the motion finding that Mr. Golden had not
24 established justifiable dissatisfaction with his attorneys.

25 Two days later then, on November 14th,

1 Mr. Golden's attorneys, again acting at his direction, filed
2 a motion to continue the trial so that Mr. Golden would have
3 time to decide whether to hire new counsel or represent
4 himself pro se.

5 I held a hearing on that motion on the next day,
6 November 15th, which was the pretrial conference, and
7 Mr. Golden spoke to me at that hearing. He submitted
8 another letter. In that letter and in his comments to me he
9 made some additional allegations against his attorneys.

10 Based on my conversations with Mr. Golden at the
11 two hearings and based on the letters that he had submitted
12 to me, I questioned whether he was competent to stand trial
13 at that time. So later that day, that is on November 15th
14 of 2019, I ordered that Mr. Golden undergo a competency
15 evaluation and remanded him to the custody of the Attorney
16 General for that purpose.

17 So last week something made me think of Mr. Golden
18 and I realized that I hadn't heard about him in a long time,
19 and I looked and I realized it had been six months since I
20 had ordered him to be evaluated. And it usually takes a
21 long time for evaluations, but not that long. And I asked
22 my Courtroom Deputy to check with the Marshal Service and
23 they told me the United States Attorney's Office had never
24 notified them of my order or done anything to implement my
25 order and, as a result, Mr. Golden has been sitting in the

1 Sherburne County Jail since November with nothing happening.
2 So we're here today for me to figure out what happened and
3 where we should go from here.

4 Mr. Thompson, are you doing the talking today or
5 Mr. Sing?

6 MR. THOMPSON: Your Honor, I will. Yes.

7 THE COURT: All right. So, Mr. Thompson, can you
8 tell me what happened? I mean, my understanding is when I
9 remit somebody to the custody of the Attorney General for an
10 evaluation, your office has always picked up the ball from
11 that point, made the arrangements, kept me informed. It
12 appears nothing happened, unless I'm missing something.

13 MR. THOMPSON: Your Honor, I apologize. I didn't
14 realize that we were to deliver that order to the Marshal's
15 service. I haven't done that in a long time in terms of a
16 competency hearing and if we dropped the ball, that's on me.

17 THE COURT: Okay. Well, I think you dropped the
18 ball. I don't even remember if you were representing the
19 United States at the time, so it may not be you personally.
20 But, I mean, when I enter a competency order, I'm remitting
21 him to the custody of the Attorney General, that's you, and
22 you pick it up from there.

23 I think I have had three other orders and the U.S.
24 Attorney is always the one who gets on the phone with the
25 Bureau of Prisons and sets it up. I just don't know what to

1 say.

2 Mr. Golden, I just have to apologize to you. You
3 should not have been sitting out there these last six
4 months. The prosecutor just dropped the ball and nobody
5 communicated with me. I didn't realize it. I thought you
6 were off at your evaluation. I had no idea you were still
7 at Sherburne County.

8 So the question is what do we do going forward? I
9 don't know, Ms. Zinsmaster, if you have any thoughts on what
10 we should do going forward.

11 MS. ZINSMaster: Well, Your Honor, I do think that
12 there are some items of unfinished business pertaining to
13 the order that the Court issued on the 15th of November. Of
14 course, Mr. Golden had requested a change in his appointed
15 counsel at which point the Court, I believe, reserved that
16 decision in light of Mr. Golden needing to receive the
17 evaluation at an FMC.

18 So since that never happened, I would certainly
19 defer to the Court as far as its desired course of action
20 with respect to Mr. Golden's counsel, but I do believe that
21 that decision is outstanding.

22 I'm here on behalf of Mr. Golden today, not
23 Mr. Morrison, and I don't know if the Court intends to
24 address our appointment at this hearing or would prefer that
25 to be done separately?

1 THE COURT: My understanding from my Courtroom
2 Deputy is that you are going to be going on maternity leave
3 sometime in the near future?

4 MS. ZINSMaster: Yes, and I had communicated that
5 to Mr. Golden. Mr. Golden and I spoke twice last week and I
6 informed him that I had personal circumstances that would
7 not permit me to try his case this summer if he chose to do
8 that. Yes, that's right, Your Honor.

9 THE COURT: Okay. So, Mr. Golden, let me hear
10 what you think. Is it still your desire that I give you a
11 new attorney to represent you?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Okay. What I think I'm inclined to
14 do, Mr. Golden, is to go ahead and appoint a new attorney to
15 represent you right away, in the next day or two. And then
16 I think it would be best for you to consult with that
17 attorney about how best to proceed at this point. He may
18 think the best thing to do is to go forward with the
19 evaluation. He may want to file some motions to dismiss
20 your indictment because of a violation of the Speedy Trial
21 Act. He may have other things -- he or she, I don't know
22 who it would be -- may have other things that he or she
23 wants to talk to you about.

24 I think the best way to proceed would be -- I
25 think it does make sense at this point for me to appoint a

1 new lawyer for you, for you to talk to that new lawyer, and
2 then your new lawyer to tell me how you want to proceed.

3 Is that an acceptable way to proceed with you?

4 THE DEFENDANT: Yes, sir, Your Honor.

5 THE COURT: Okay. Let's do that, then. As soon
6 as this hearing is over with, I will get the wheels in
7 motion to get a new attorney appointed for you. And,
8 hopefully, that person will contact you I hope by the end of
9 the week, but if not, early next week.

10 I'm just a little concerned, Mr. Golden, because
11 the ball has already been dropped once in your case. If you
12 don't hear from a new attorney next week, will you please
13 write me a letter or call Ms. Zinsmaster and let us know so
14 I can make sure the new attorney gets ahold of you?

15 THE DEFENDANT: Yes, Your Honor. But if I write a
16 letter, do I write it to the Government Center or what do I
17 -- I don't -- I don't know where to write it to.

18 THE COURT: In the past you've just handed me
19 letters, right?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Okay. So I would say when we're done
22 here Ms. Zinsmaster can talk to you about how you can either
23 contact her or how you can contact me. You're welcome to do
24 either. If you want to write me a letter, that's fine. If
25 you want to call her or write her a letter, that's fine.

1 Just don't sit there for more months. Okay? I want to get
2 your case moving.

3 THE DEFENDANT: Yes, sir, Your Honor.

4 THE COURT: Okay. Mr. Golden, is there anything
5 else you wanted to say this morning?

6 THE DEFENDANT: No, sir.

7 THE COURT: All right. Mr. Thompson, I would like
8 you to proceed with setting up the evaluation. It usually
9 takes a few weeks to do that. And I want to not waste any
10 more time on getting that set up. It may be that
11 Mr. Golden's new attorney will want some motion practice
12 before that, but let's get Mr. Golden in the next slot, you
13 know, because there's a waiting list for this thing. Let's
14 get him on the list and let's get the process moving. If
15 there's anything that you can do to expedite it, given
16 what's happened, that would be appreciated. So please talk
17 to the Bureau and let me know what they say and what the
18 prospect for getting Mr. Golden evaluated is.

19 MR. THOMPSON: Will do, Your Honor.

20 THE COURT: Okay. Mr. Thompson, is there anything
21 more you wanted to say this morning?

22 MR. THOMPSON: No, Your Honor. Thank you.

23 THE COURT: And, Ms. Zinsmaster, anything more?

24 MS. ZINSMaster: No, Your Honor. We are all set.

25 Thank you very much.

1 THE COURT: Okay. So would you stay on the line
2 or I guess --

3 MS. ZINSMASTER: I think Mr. Golden may have
4 something else.

5 THE DEFENDANT: Now, he just said -- I thought I
6 was just been asked if I could speak with you when everybody
7 is finished.

8 MS. ZINSMASTER: Yes. I will set that up,
9 Cornett, absolutely.

10 THE DEFENDANT: Yes, Ma'am.

11 THE COURT: I think you can just go to a private
12 room now, Ms. Zinsmaster, with him or you can -- I don't
13 know how you do it.

14 MS. ZINSMASTER: Mr. Golden, do you have questions
15 about going forward that you wanted to talk about after the
16 hearing or did you want to talk during the hearing when
17 everybody is waiting for us?

18 THE DEFENDANT: After the hearing.

19 MS. ZINSMASTER: Okay. I will set up a call just
20 as I did last week, Mr. Golden, and we will get on the phone
21 again and have that conversation.

22 THE DEFENDANT: Yes, Ma'am.

23 THE COURT: Okay. Ms. Zinsmaster, I mean, another
24 option is we'll all get off and you can just talk to
25 Mr. Golden. You can just continue the conversation. But I

1 leave it up to you as to what works.

2 MS. ZINSMaster: We have had very good luck with
3 the other set-up, Your Honor, thankfully to all parties
4 involved. So I'm just going to use that secure link and get
5 on the phone with him this afternoon or tomorrow morning.

6 THE COURT: Okay. Sounds good.

7 All right. So I will contact the Federal
8 Defender's Office and get Mr. Golden a new attorney
9 appointed. And Mr. Thompson will contact the Bureau and get
10 the competency evaluation wheels turning as well.

11 Thank you all for participating in the hearing,
12 then.

13 MR. THOMPSON: Thank you, Your Honor.

14 THE DEFENDANT: Thank you, Your Honor.

15 (Court adjourned at 11:50 a.m.)

16 * * *

17 I, Debra Beauvais, certify that the foregoing is a
18 correct transcript from the record of proceedings in the
19 above-entitled matter.

20 Certified by: s/Debra Beauvais
21 Debra Beauvais, RPR-CRR
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